GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Pasupuleti Rajendra Prasad, S/o P. Narayana, Bhyravaram, Duttalur (M), SPSR Nellore District against the Proceedings, dt. 24.07.2011 of the Collector & District Magistrate, SPSR Nellore District in cancelling the ST 'Chenchu' caste certificate, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.21. Dated: 06.04.2022

Read the following: -

1. Proceedings of the Dist. Collector, SPSR Nellore in Rc.C5(M)/1741/2006, dated 27.01.2007.
2. Appeal Petition, dt.19.02.2007 filed by Sri Pasupuleti Rajendra Prasad, S/o P. Narayana, SPSR Nellore Dist.
3. Govt. Memo No.1345/CV.2/2007-1, dt.27.02.2007.
4. From the Dist. Collector, SPSR Nellore, Lr.No.RC.C5(M)/775/2007, Dated. 07.05.2007.
5. Govt. Memo No.1345/CV.2/2007-2, dt.07.11.2007, 19.03.2008, 17.06.2008, 22.07.2008, 30.04.2012, 27.05.2015, 13.11.2015, 01.05.2018, 05.06.2018, 04.07.2018, 07.08.2018, 17.09.2018, 27.12.2018, 09.01.2019, 23.01.2019, 09.10.2019, 13.11.2019 & 02.03.2022.

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ORDER:

In the Proceedings 1st read above, the Collector & District Magistrate, SPSR Nellore has issued orders cancelling the ST 'Chenchu' Community Certificate issued to Sri Pasupuleti Rajendra Prasad, S/o P. Narayana, Bhyravaram, Duttalur (M), SPSR Nellore District.

2. Aggrieved by above, vide reference 2nd read above, Sri Pasupuleti Rajendra Prasad, S/o P. Narayana has filed Appeal Petition before the Government against the Proceedings, dt.27.01.2007 of the Collector & District Magistrate, SPSR Nellore duly submitting grounds in support of his claim of ST 'Chenchu' Community Certificate and prayed to suspend the operation of the Proceedings, dt.27.01.2007 of the Collector & District Magistrate, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the said appeal petition and also granted stay on the operation of the Proceedings issued by the District Collector, SPSR Nellore and have called for the Para-wise remarks on the grounds filed by the Appellant along with connected records from the Collector, SPSR Nellore vide Memo 3rd read above. In reply to above, the Collector & District Magistrate, SPSR Nellore has furnished para-wise remarks along with connected records on the Appeal Petition filed by Sri Pasupuleti Rajendra Prasad, S/o P. Narayana vide reference 4th read above.

3. The said Appeal Petition has been posted for hearing before the Hon'ble Appellate Authority on various dates duly informing the same to the Appellant and the Counsel for the Appellant in the reference 5th read above. The appellant has attended the final hearing on 12.03.2022 duly filing the written arguments. On perusal of the Written arguments, records/ the copies of evidences/ academic record/ grounds filed by the Appellant and the Proceedings of the Collector & District Magistrate, SPSR Nellore, dt. 27.01.2007 and further the para-wise remarks submitted by the Collector & District Magistrate, SPSR Nellore, the Appellate authority has observed that;

I. The grounds put-forth by the appellant in support of his claim of ST 'Chenchu' community are as follows:

1. The Appellant Grand Grand father are permanent residents of agency tracks of the Ahobilam (V), Allgadda (M), Kurnool District. They have been residing in the said area since 1895. Their relatives surname Pasupulati families are still residing in Ahobilam. Their main profession is begging and moving village to Village and residing finally at Kammavari Palli (V), Poorumamilla (M) of Kadapa District, later on they have migrated to Nellore District, Nallagondla (V), to serve the God namely Sri Lakshmi Narasimha Malleswara Swami, which is endowed by the Endowment Department. Every year in the month of May, a great Utsav i.e." Tirunalla" conducted by the Temple Authorities in which their fore fathers are attended for Dopu programme for this the villagers of Byravaram are acting as Vubhaya Karthas. Hence, their four fathers are settled at Byravaram (V) permanently for attending the Dopu programme in the temple.

[Contd..on P.2]

2. There is a historic story about the role of Chenchu's families in the Seva of Sri Lakshmi Narsimha Swamy, Ahobilam. As per the History, after killing of Hiranya Kasipa, Sri Narasimha Swamy, moving in the Nallamala Forest at that time, he saw the Chenchu Lakshmi, who is the daughter of Chenchu's and got married with her. For the above reason, Sri Swamy, treated as Sun-in-law of Chenchu's. Accordingly, the Chenchu's have been allotted manyam for their livelihood. Further, a Dopu programme i.e. another story the chenchu's were captured by the villagers that there are against the marriage of Chenchu Lakshmi with Narasimha Swamy, and punished the chenchus. Later on they revealed the mistake lies with them only, and allowed the Chenchu's for Dopu programme. In this programme the Chenchu's are allow to take articles from all the Shops and Houses, wherever they entered. This is a honour for them. Accordingly, their families also migrated from Ahobilam to Nallagondla exclusively for this purpose. Time being, now their fathers have leave such programme and started a new life to upgrade their dignity. The Revenue Authorities have visited at Byravaram village and enquired about their family marital status and found that some their family members married in different caste in particular Dasari community, and recommended the same to the DLSC stating that the surname name Pusupulati is a un-common name in Chenchu families and based on the marriages between their families to Dasari Communities and recommended that herself is brought up in non ST surroundings and held that she belongs to Dasari Community, and recommended for cancellation of the ST Chenchu Caste Certificate.
3. Where as they reported to the Revenue Authorities their families have marital status with Yerukala, Yanadi, and Muttarasi including Chenchu communities. But the Revenue Authorities have not recorded this relations with their family and take biased stand against them and simply recommended the relations with Dasari families only. Further, the Surname Pusupulati families in Chenchu community are mostly residing in Duttalur, Kammavari Palli, Mekavari Palli, Proddutur, Nallagondla and Ahobilam in Kurnool, Kadapa and Nellore Districts. The Revenue Authorities have never visited the places and simply stated that the surname of Pasupulati is uncommon in Chenchu Community, which is false statement made by the Revenue Authorities.
4. The Manager, Ahobilam Lakshmi Narasimha Swamy Temple, which is under control of the Endowments Dept. has certified that Sri Pusupulati families are previously residing in Ahobilam and now migrated in Duttalur (M), still attending to Ahobilam Devasthanam at the time Bramho Utsavam called parveta it is under stood that the Pasupulati family is one of the family in Chenchu community. This have also been certified by the Trusty of Sri Lakshmi Narasimha Malleswara Swamy Temple, Nallagondla that their families are migrated from Kurnool and Kadapa and attending Seva in this temple. Hence, it is historic background of their family which is assimilated with Lord Narasimha Swamy Temple. The Revenue Authorities have never verified this things and based only on the directions of Director of Tribal Welfare, Hyderabad, Letter dated.07.10.2006, and recommended for the cancellation. The Commissioner of Tribal Welfare, Letter, dated. 30.11.2002, has declared that Sri Pasupulati Naga Sudhakar S/o P.Subbarayudu, belongs to Chenchu ST community and recommended for provisional admission into BE/B.Tech course under ST quota, for the year 2002-2003. Now, they objecting that the Pasupulati is un-common name in Chenchu Community and recommended to District Collector, Nellore that he is not belongs to ST Chenchu Community. Here the basis for such decision was not explained by the DTW, Hyderabad, how they have identified that Pasupulati is un-common name, by virtue of the authority simply they have recommended for cancellation, which is a un-justice and they have never given opportunity to him and his elders about the issues explained above.
5. The Govt. of India, is encouraging inter-caste marriages between SCs, STs and Non ST and SCs for creating a holy ness and oneness among the people in India as a democratic country. The Constitution of India is also given liberty to the citizens of India to marry any individual with any person without caste, creed and religion, whereas and also providing incentives for inter caste marriages under Centrally Sponsore Schemes. The inter-caste marriages only is the way for creating a common India, whereas the authorities attitude marriage of other community people is a deficiency for the status of a male ST boy and declared him as Dasari BC. Recently, the Supreme Court of India, in its judgment in Shohha Hymavathi's case has declared that the father's social status will applicable to the children, but not the mother. Accordingly, my father Sri Pasupulaty Narayana is a Chenchu who married my mother who belongs to Dasari community. Though as declared by the Supreme Court of India, he is eligible for ST status, based on his fathers community, without taking into consideration of the profession of his fore fathers and their native places where they resided in different places, simply they have cancelled his ST Chenchu certificate based on the marital status of his family members, which is un constitutional and Article 226 of Constitution of India. Hence, he has requested the Hon'ble Authority, to set aside the impugned Proceedings of the District Collector, Nellore, based on the above facts.

[Contd..on P.3]

II. The Collector & District Magistrate, SPSR Nellore, has furnished the following remarks on the above grounds are as follows:

1. It is submitted that though the families of the applicants were migrated from different places, presently they are residing at Bhyravaram village of Duttalur Mandal of Nellore District that during the enquiry it was revealed that the family members of the applicant were married into with Dasari Community people but not to Chenchu community people. Hence, it is prima facie that the applicant was not brought up in the surroundings of the (S.T) Chenchu community.
2. It is not true to say that the enquiry was done biased. The Scrutiny Officer deputed from the office of the Director, Tribal Cultural Research and Training Institute of Andhra Pradesh, Hyderabad has expressed doubt on the genuineness of the applicant. The Director of Tribal Welfare, Andhra Pradesh, Hyderabad has also expressed that the surname of the applicant "Pasupuleti" is uncommon in S.T. Community particularly in Chenchu Tribe. During the enquiry, the applicant has stated that the mother of the applicant belongs to Dasari by caste, which is not ST community and the applicant's father's brothers married to person belonging to Dasari community and sisters also married to Dasari caste. It is clear that they are following the traditions and customs of the Dasari caste people and are residing in the surroundings of Dasari community but not in Chenchu community.
3. With regard to the privileges to the inter caste people, the off-spring of such couples as in the instant case, cannot automatically claim the social status but the competent authority must satisfy that the child has been accepted by the SC/ST, as they are the members of their community and they have been brought up by them. In the present case, it is not so but the family members are residing in the surroundings of Dasari caste people and brought up by it which is not a Tribal community. Hence, the claim of the applicant need not he considered.
4. As per the Directions of the Director of Tribal Welfare A.P Hyderabad, the matter has been placed before the District Level Scrutiny Committee Nellore and that notice was issued to the applicant as per Act 16 of 1993 and Rules there under to attend before the District Level Scrutiny Committee on 08.12.06. But the meeting could not be held. Again the case has been posted to 14.12.06 and that the applicant and his father appeared before the Scrutiny Committee. The applicant has informed that his father Sri Narayana is Chenchu by caste and his mother Annapurna is a Dasari Balija by caste and his sisters Kalyani (elder) and Devi (elder) married to persons belonging to Dasari Caste. The father of the applicant has also attended the enquiry and stated that his elder brother Pasupuleti Narasimhulu married Laksmikanthamma belonging to Dasari caste and his younger brother Pasupuleti Ramakrishna married a person by name Manjula belonging to Bogham (Kalavanthula) caste and his elder sister Padmavathamma married person belonging to Dasari caste and his younger sister Rajinamma married a person belonging to Dasari by Caste.
5. The DLSC has gone in to the averments made by the applicant and applicant's father and other material available on record and concluded that the applicant has not been brought up in the surroundings of the Chenchu S.T Community and he has not been accepted by that community and the committee recommended for cancellation of the Chenchu S.T Caste Certificate issued by the Mandal Revenue Officer, Duttalur vide Certificate No.7/98-99 on 30.6.1998 in favour of the applicant Sri Pasupuleti Rajendra Prasad S/o Narayana.
6. It is established that Sri Pasupuleti Rajendra Prasad S/o Narayana misrepresented the facts and got caste certificate as belonging to Chenchu (ST) community and that the individual had deliberately suppressed the facts, mislead the officials and got the caste certificate as belonging to Chenchu (ST) Community and played a fraud against the Government and obtained the caste certificate fraudulently from the Mandal Revenue Officer, Duttalur, as if he belonged to Chenchu (ST) community and tried illegally to grab all the benefits arise from it.
7. Accordingly, in exercise of the powers conferred u/s 5(1)of Act 16 of 1993 A.P. (S.Cs, S.Ts, & B.Cs) Regulation of Issue of Community Certificates Act, 1993 read with Rule 9(7) of A.P. (S.Cs, S.Ts, & B.Cs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, the Chenchu (ST) caste certificate bearing No.7/98-99, dt.30-6-1998 issued by the Mandal Revenue Officer, Duttalur in favour of Sri Pasupuleti Rajendra Prasad S/o Narayana was cancelled with immediate effect and that a notification to that effect was also published in the District Gazette extra-ordinary. Hence the applicant has no sufficient grounds to prove that he belongs to ST Chenchu Community and the appeal petition may be dismissed.

[Contd..on P.4]

III. Finally, the Appellate Authority has observed /opined that;

1. During the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that he belongs to S.T. Chenchu community and stated that his grandfather is a permanent resident of agency tracks and his relatives are still residence their and he was brought up in ST community and mere marital status does not change community status.
2. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record, it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and she failed to produce any evidence that he belongs to Chenchu Community. It is also observed that the individual is never in the fold of schedule tribe and he was not accepted by the tribal society and failed to adduce evidence that he belongs to ST community.
3. It is further brought to the notice that the certificate earliest issued to the individual in a routine manner and the same was cancelled after conducting detailed and thorough enquiry into the caste status of the individual.
4. That as per the act that the burden of proving that the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case, that the appellant except relying the evidence and documents filed before the lower authority failed to produce any additional material for re-appreciation of the case on hand. As seen from the record, the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference.
5. Hence, it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Nellore.
6. That taking consideration of the above and the material available on the record, that it can be concluded that the lower authority passed the order as per law which does not deserve any interference and accordingly the Proceedings, dt.27.01.2007 of the Collector & District Magistrate, Nellore is hereby upheld and the appeal petition is hereby dismissed.

5. Government, after careful examination of the appeal petition and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No16 of 1993), decide that the Proceedings dt.27.01.2007 of the Collector & District Magistrate, SPSR Nellore does not deserve any interference, hence, the same are hereby upheld duly dismissing the appeal petition filed by Sri Pasupuleti Rajendra Prasad, S/o P. Narayana, Bhyravaram, Duttalur (M) and the caste certificate issued by the then Tahsildar, Duttalur is deemed to be cancelled.

6. The Collector & District Magistrate, SPSR Nellore is directed to take necessary consequential action in the matter.

7. The records containing Pages (CF 1-136 & NF 1-4) received from the Collector and District Magistrate, SPSR Nellore through the reference 5th read above, are returned herewith in original to the Collector and District Magistrate, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, SPSR Nellore.(we)
(With original records) (BY RPAD)

Sri Pasupuleti Rajendra Prasad, S/o P. Narayana,
R/o Byravaram, Duttalur (Mandal), SPSR Nellore District.

Copy to:
The OSD to Hon'ble Deputy CM(TW).
The PS to Secretary(TW).
Sf/Sc (E 917638)

// FORWARDED:: BY ORDER //

SECTION OFFICER